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ABSTRACT

In this paper, social science utilization is studied as an aspect of legislative decision making. The purposes of the paper are to provide a review of political science literature on state legislatures, offer a theoretical framework for interpreting utilization of social science research, apply the framework to interview data, and generate a theoretical framework to test additional social science utilization hypotheses. In 1977, nearly 100 legislators, staff members, executive branch personnel, and interest group spokesmen dealing with educational legislation in Arizona, California, and Oregon were interviewed regarding legislative issues and influences. Data from these interviews suggested that policy makers continually confront situations in which pressures to act are diverse, incessant, intense, and difficult to identify clearly. A theory of social science utilization was devloped which was in accordance with data from these interviews and from literature on state legislatures. The theory was based on three major elements: (1) location of points within the legislative policy-making process at which social science findings might be expected to have a significant impact; (2) the linkage system which ties social science research to utilization in the policy process; and (3) orientational frames of reference which influence legislators to utilize social science and/or other resources in decision making. Hypotheses based on this theoretical framework will be used to test the nature of legislative issues and the background and attitudes of legislators. (Author/DB)

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SOCIAL SCIENCE UTILIZATION IN STATE LEGISLATIVE POLICY MAKING

by

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A paper presented at the 1978 Annual Meeting of the American Educational Research Association in Toronto, Canada, March 27-31, 1978.

This paper reports on preliminary findings from Year I of a research grant sponsored by the National Institute of Education (NIE-G-76-0104) entitled "Improving Social Science Utilization in Legislative Policy-Making for Basic Skills Education." While the National Institute of Education and the University of California, Riverside, have provided support for this research, the points of view expressed in this paper are those of the author and do not necessarily reflect those of either NIE or UCR.

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SOCIAL SCIENCE UTILIZATION

IN STATE LEGISLATIVE POLICY MAKING

Introduction

In the fall of 1976, the Basic Skills Group of the National Institute of Education awarded four grants for research on various aspects of the utilization of social science research and evaluation findings by legislative and judicial policy makers. This paper reports on an extensive literature review and preliminary field data gathering completed during the first year's work on one of those grants.

The primary objectives of the first year of study on this research project (and of this paper reporting on it) are to: 1) examine the voluminous political science literature on state legislatures and distill from that literature a theoretical framework with which to interpret the actual and potential utilization of social science research and evaluation findings in state level legislative processes; 2) to apply this theoretical framework to data gathered through interviews with approximately 100 state legislators, legislative staff members, professional educators, executive branch personnel, and educational interest group spokespersons and lobbyists in three sample states (Arizona, California, and Oregon); and 3) to generate from this data a theoretical framework capable of generating testable hypotheses for use during the second year of work on this project.

Data and Methods

Nearly a thousand titles of recent publications relating to state legislatures and social science utilization were reviewed.* It was found

*A complete presentation of this review can be found in D. E. Mitchell, et al., (1977) "Social Science Impact on Legislative Policy: Theory and Research" an unpublished technical report submitted to the National Institute of Education.

that no empirical studies of social science utilization by state legislatures have been undertaken, and that no studies of state legislative policy formation have led to the conclusion that social science is a crucial factor in controlling legislative outcomes. Hence, the literature review forced us to undertake the construction of theory in the absence of any solid empirical evidence.

Unstructured interviews with 90 policy influentials in Arizona, California, and Oregon were held between February and July, 1977. The distribution of interviewees is presented in Table 1.

Table 1

ARIZONA (n=35)

14 Legislators

10 Legislative Staff Members

5 State Department of Education and/or Executive Branch Personnel

6 Educational Interest Group Spokespersons

CALIFORNIA (n=23)

9 Legislators

8 Legislative Staff Members

2 State Department of Education and/or Executive Branch Personnel

4 Educational Interest Group Spokespersons

OREGON (n=32)

6 Legislators

9 Legislative Staff Members

8 State Department of Education and/or Executive Branch Personnel

9 Educational Interest Group Spokespersons

Interviews lasted from 30 to 90 minutes and were devoted to five substantive questions (as well as several information questions regarding personnel and agencies within the state). The five substantive questions were:

1. What are the major issues in education legislation at the present time? How have they developed over the last few years?
2. Who are the key actors both in and out of the legislature on these issues?
3. How are legislative proposals formulated and decisions made about particular bills?
4. How do you personally interact with the other key actors?
5. What, if any, value has social science research and evaluation in the legislative process?

About 2[illegible]% of the interviews were tape recorded. Those tapes and field notes on the remaining interviews form the basic data for this study.

In addition to these 90 interviews, preliminary data were available from 56 interviews of a more structured nature conducted as part of the project's second year effort. These interviews were done in Arizona and California only--Oregon data gathering was not begun in time to influence this paper.

The Focus of This Paper

In the remainder of this paper, the focus of attention will be on the development of a theoretical framework rather than the presentation of evidence. This focus is adopted for two reasons. First, because more vigorous and systematic evidence is being prepared as part of the second year's work, and secondly, because the theory has proven sufficiently complex and interesting in its own right as to deserve the available space

for this paper. Field data will be used illustratively throughout this paper in an effort to illuminate concrete applications of the theory, rather than in an effort to "prove" the validity of the theory being developed.

Preliminary Perspectives on Social Science Utilization

There are two critical concepts which must be introduced at the outset of any discussion of the potential utility of social science in a legislative context. These concepts: interest and issue, are basic to the lexicon of legislative politics and must be seen as the starting point for theory construction. The most fundamental point of departure for understanding legislative policy formation is the recognition that all public policy has its originating impulse in matters of interest, not in questions of truth, knowledge or wisdom. The public policy maker lives in a world characterized by demands for action, not just for understanding. The expectations and demands for action which confront a policy maker may be diffuse or explicit, they may emphasize problems to be solved or some particular solution that is desired, and they may be compatible and mutually supportive, divergent and competing, or even contradictory. Those who make the demands for action may do so on the basis of their own needs and rights, in the name of the public interest, or perhaps, even on the basis of altruistic interest in the good of others. Above all, however, the policy maker confronts a situation in which pressures to act are diverse, incessant, intense, simultaneous, difficult to identify clearly and encountered in such a way as to make it difficult to distinguish legitimate from illegitimate requests. From this boiling caldron of interests and demands, the legislative process must isolate some issues for action

(neglecting or rejecting the others) and must formulate these issues in such a way that legislative action can be seen as responsive to the original interests.

The centrality of political interests in the legislative process is repeatedly confirmed in our interview data by legislators and legislative staff members who consistently report that the legislature does not deal effectively with any proposals unless there is visible and explicit pressure for action by some group outside the legislature itself. If the interests are powerful and seriously divided--as generally is the case with school finance reform--the legislature may be unable to respond until court decisions set forth the parameters within which a solution is to be effected.

Beyond the problem of political interests, recent political research has also clearly documented the fact that the bahavior of both individual legislators and of legislatures taken as aggregate units varies systematically with the nature of the issues which are being considered. Patterson (1962), LeBlanc (1969) and Deckard (1976), among others, have found that the importance of a legislator's party membership, the characteristics of his district and his electoral margin of victory all operate to influence his voting on some issues differently than on others. Jones (1973) even found that the sensitivity of a legislator to what he believes to be the explicit preference of his constituents is significantly affected by the nature of the issues involved. Within the legislature itself, Francis (1962) and Huckshorn (1965), for example, demonstrated that some legislators come to be seen as experts in a particular policy area and thereby become important in influencing the votes of other legislators in those particular areas.

In terms of the aggregate outputs of a legislature, Grumm (1970) shows that the effects of such ecological factors as population expansion, economic affluence, and urbanization affect policy outputs in some areas differently from those in other issue areas. And Brady and Murray (1975) demonstrate that the effects of reapportionment (and probably of other legislative reforms) affect some issue areas more than others.

In sum, a well developed body of legislative behavioral research has repreatedly confirmed that whatever variables affecting the legislative process are examined it is important to keep constantly in mind that they will impact on some issues in ways quite different from their effects on other areas. Utilization of social science research and evaluation findings is almost certain to follow this general rule, and hence, it is important to base any study of social science effects on a design which can accommodate and explain differences in effect associated with differences in legislative issues.

Generally speaking, interviewees have suggested that school finance issues are handled in ways which differ from the treatment given in other educational issues. The interviewees use terms like "finance is more rational," or "is more technical." One long time California staffer insists, however, that school finance is not treated like other finance issues, because it is "so complex" that legislators must defer to the expertise of a handful of legislators and staff members who know how to handle it.

Toward a Theory of Social Science Utilization

Once the importance of political interests and legislative issues have been clearly identified, it becomes possible to develop a theory of social science utilization which fits both prior literature and unstructured interview data.

The main elements of a theoretical framework can be examined in three steps. First, we can identify and describe the main elements in the legislative policy-making process, and locate the points at which social science findings might be expected to have a significant impact. Second, we can summarize the central features of the linkage system which ties social science production to utilization in the legislative policy process. Third, we can examine the principle components of the orientational frames of reference which control the capacity and inclination of various legislative actors to utilize social science and/or other resources for decision when acting to define or resolve policy issues.

Examining the Legislative System

Almond and Powell (1966) recognized the centrality of the process of sorting out conflicting and diffuse interests in the development of legislative policy. They called the process interest articulation. Easton (1965), recognizing the same problem, refers to the need for legislative "gatekeepers" who channel some interests into the policy system and turn back others. Cobb and Elder (1972) come to the heart of the matter by insisting that the operation of all political policy making is based upon the development "condensation symbols" which articulate interests in ways which specify clearly the nature of various policy issues and serve to mobilize support and opposition. One advocate for bilingual education in Oregon illustrates the articulation problem when he reports that the most important and most difficult problem confronted in trying to initiate legislative action on this topic is giving the problem "visibility" by articulating to the legislators how action could respond to the specific needs of bilingual children.

Within the legislature itself, this articulation/gatekeeping/condensation symbol process culminates in the authoring of bills and resolutions--the first stage in the flow of legislative policy towards its eventual enactment into law.

Once interests have been articulated into specific legislative issues and proposals, the legislative system must begin the complex process of sorting proposals, assigning priorities, combining similar proposals and re-formulating submitted bills into final form for decision making. Almond and Powell (1966) refer to this phase of legislative policy making as interest aggregation. It is operationalized in legislative bodies through the processes of committee hearings and approval, amendment or rejection of the bills originally entered onto the legislative calendar. Wahlke (1970:83) identifies the impact of the aggregation process when he reports that only 550 (58%) of the 944 measures introduced into the Iowa legislature in 1963 were ever actually voted on by the full legislature. Of the 550 voted on, 319 (49.8%) produced unanimous roll call votes, indicating that aggregation not only eliminated many measures, it also eliminated opposition to many others.

Arizona's 1977 special education law is an example of the extent to which the aggregation process can change initial proposals. This bill was first introduced by the chairman of the House education committee as a measure to eliminate Arizona's special education mandate in order to avoid having to comply with the provisions of the recent federal law regarding education for the handicapped (P.L. 94-142). After the bill was introduced, however, interest group advocates and other legislators brought so much pressure to bear that outside experts in the education of exceptional

children were eventually retained, by the legislature itself, to draft the bill which was finally adopted.

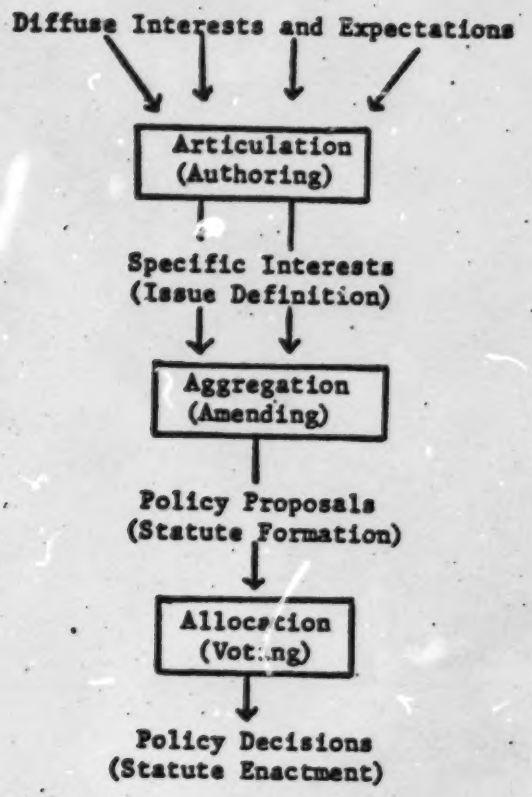
Emerging from the aggregation process within the committees are the final legislative proposals which are sent to the floor for ultimate disposition through roll call voting. Almond and Powell consider the voting process to be simply the conclusion of the aggregation process. Easton, however, draws our attention to the fact that the ultimate effect of legislative decision making is the "authoritative allocation of values" for a society. In a consideration of social science utilization, it appears important to distinguish the more flexible, open-ended, aggregation process which synthesizes many early proposals into a more limited number of final bills, from the allocation process in which these bills are put to a final vote (typically with a remarkable degree of consensus).

Figure 1 presents graphically the legislative policy system just described. In this figure the emphasis is on the functional processes which transform political interests into statutory policies. The specific institutional structures and procedures vary from legislature to legislature, but whatever activities are found in any particular legislature they serve the articulation, aggregation, allocation functions, shaping and narrowing the range of interests being served.

The Linkage of Social Science Production and Utilization

But what of social science--where do research or evaluation findings fit into the legislative process? In answering this question it would be helpful to begin by reminding ourselves that legislative policy making was going on long before the social sciences were around to be utilized. However science utilization is to be conceptualized, it is clear that is is optional and not endemic to the policy process.

Figure 1



A second preliminary observation is that the production of social science is clearly not the same as its utilization. That is, policy making is not automatically altered just by the conduct of research, no matter how good the research may be. In fact, production and utilization are typically undertaken by different individuals. Scientists rarely make policy and policy makers rarely conduct research. Indeed, the separation between the producers and the utilizers is so complete that there is a clear need for "linking agents" to connect the producers with the utilizers. Linking agents may either seek out and analyze science products in order to discover their potential relevance for utilization in policy decision making, or they may begin with pertinent research and seek out policy makers and interpret the meaning of the research to their policy interests.

Bailey, et al., (1962) in their careful study of the relationship between professional educators and political processes in New England, identified the links between legislators and university scholars with the provocative title "The Scribblers and their Friends." They suggested that particular university professors play a very important part in bridging the gap between research and policy making.

The third point on which our understanding of utilization is based is the recognition that the fundamental contribution of science to policy is that of providing a basis or criterion for decision. Science is certainly not the only basis for decision, but at each stage in the legislative process it offers an important source of potential guidance for transforming political interests into legal policy.

Perhaps the clearest example of science based policy guidance is found in the Laitrile case in California. As one Senator said, "normally drug cases like this would be resolved very simply by asking for directions from the medical professionals. But the evidence on Laitrile suggests that it is, at worst, a placebo. Once that evidence is available, the issue is no longer medical--it is then political."

A review of previous work on both legislatures and science utilization leads to the conclusion that the criteria or basis for decision offered by social science has a significantly different meaning at each of the three different stages in the legislative process. In the early stage when articulation of interests is the crucial problem, science offers guidance in the conceptualization of social problems. That is, utilization of science for articulation of interests means framing the expression of one's interests in terms of scientific theories or explanations of the policy

problems at hand and presenting policy demands in the form of demands for rational action to alleviate problems.

A number of examples of the search for rational policy are found in our interviews. The Oregon legislature sponsored a major conference on state level economic development during the week prior to the opening of the legislative session, the California State Department of Education created a task force on Special Education that spent more than two years working on a master plan, and in Arizona a special select committee has just been created and staffed to prepare a finance reform package for the fall of 1979.

At the aggregation stage social science utilization becomes more a matter of problem solving than conceptualization. That is, during aggregation the policy problem is to synthesize competing interests either, 1) by determining that these interests are, or can be made to be, compatible, thus permitting multiple interests to be met simultaneously, or 2) by determining that they are essentially contradictory, and require a bargaining or "zero sum" approach to decision making. In order to contribute to the problem-solving process during aggregation, scientific findings as a basis for decision must be presented in timely, clear, and unequivocal statements about the likely consequences of choosing one policy over another.

In California this type of social science use is illustrated by the evaluation of an Early Childhood Education program which was mandated by the legislature. Both the original evaluation effort by the State Department of Education and a subsequent study by the UCLA center for the Study of Evaluation have become vital parts of the debate over whether and how such special programs work.

At the allocation stage in the policy process, the social science contribution to decision making consists of providing more less convincing evidence regarding just which interests will be served and which will be thwarted if a proposed statute is adopted. At this stage utilization requires more than adequate and timely information; it requires that the scientific information be assessed within a framework of political interests so that the policy maker is able to decide not only what the consequences of a proposed policy will be, but also how those consequences affect the vital (and not so vital) interests of constituents (or other reference groups).

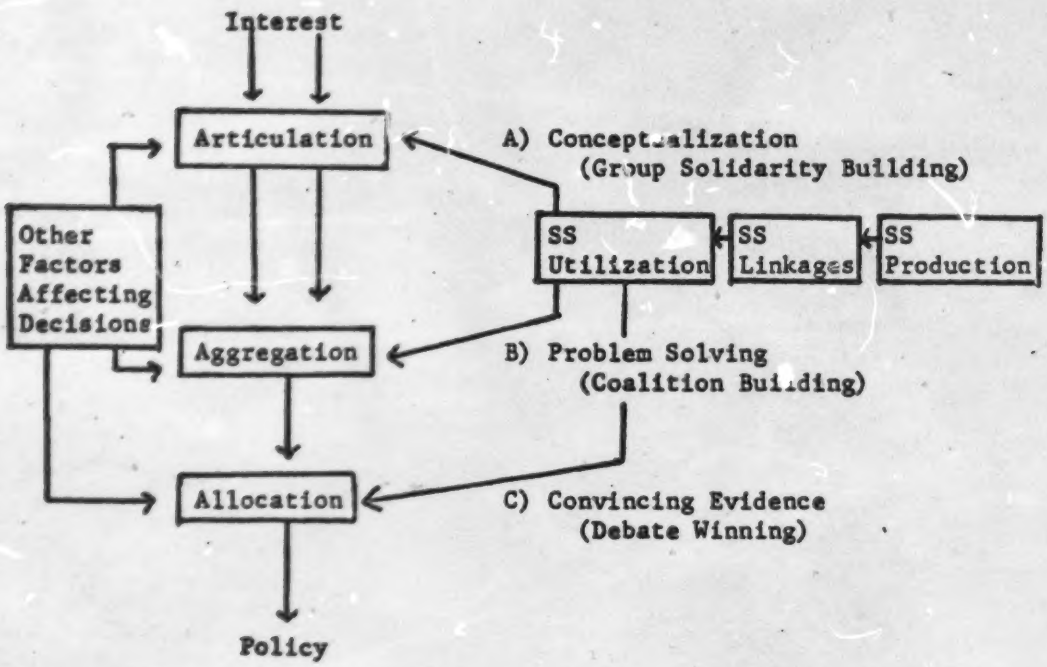
The adoption of a mandatory driver education law in Oregon illustrates this type of utilization. In the debate over this proposed legislation, proponents repeatedly referred to two studies which purportedly demonstrated that driver education programs dramatically reduce property damage and loss of life. With this evidence on the floor, opponents were unable to present any serious objections to the proposed law and were thus rendered largely silent in the debate. As a lobbyist for the Oregon School Boards Association put it, "We opposed that bill because it interfers with local school board freedom to govern--but what could we say--that we are in favor of higher property damage and highway deaths?"

In addition to providing decision-making guidance to individual policy makers, it seems likely that social science utilization also has important social consequences affecting the relationships among various policy makers. At the articulation stage utilization of social research to conceptualize a policy problem would also have the effect of generating acceptance for politically important condensation symbols and thereby

creating group solidarity among policy pressure groups and legislative actors who share a similar scientific conceptual base. At the aggregation stage the problem solving effects of scientific research will also contribute to coalition building among policy actors. And during the allocation process the effect of strong scientific evidence is to contribute to the capacity of one coalition of policy actors to win the debate and secure the passage of desired bills or the defeat of undesired ones.

The interpretation of social science utilization just discussed is presented graphically in Figure 2. Note that all of the other factors affecting decisions are presented in a single cell on the left side of the figure. Of course, the effect of these factors might well be very large compared to the impact of social science utilization.

Figure 2



A major purpose in the research based on this theoretical framework is to assess both the nature of the other factors and the relative strength of social science utilization in shaping particular legislative policy decisions. What remains to be described is how we can separate the effects of social science from that of these other factors. As our early field work and review of previous research has clearly revealed, this discrimination can only be effectively made if we examine the orientations of legislative actors toward their work and toward the policy decisions which they must make.

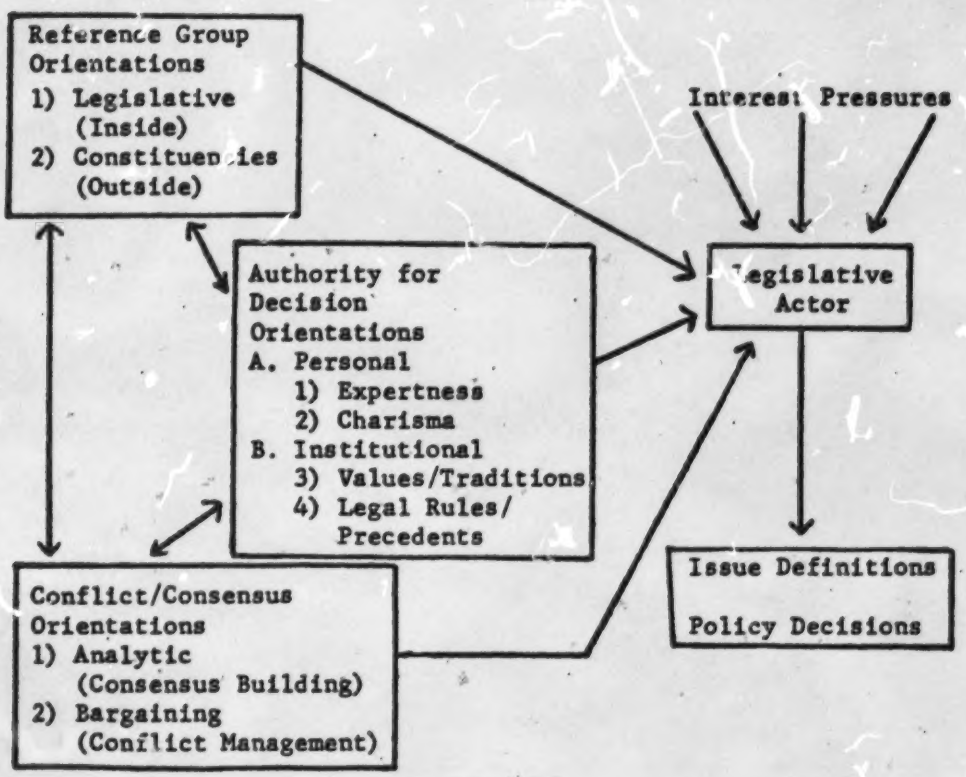
The Orientational Frames of Reference for Policy Makers

The literature on policy making and legislative behavior suggests that the orientations of legislative actors toward their work are dominated by three large issues: 1) the first is the identification of reference groups from whom the legislative actors take their clues regarding both the mechanics of the legislative process and the definition of legitimate interests. Clearly the dominant reference points on most educational issues are professional educator groups and certain legislators who are seen as educational experts. 2) Second are the rythms of conflict and consensus which arise alternately as legislative actors seek to win legislative approval for previously defined interests or to expand, elaborate and combine interests so as to broaden the base of support for them. Conflict based bargaining is clearly the dominant mode in school finance policy formation, while consensus building dominates most other issues in our interviews. 3) Third is the development of needed authority bases which provide a common ground for proposing and accepting decisions. Our interviews are filled with references to the importance of ideological

or value commitments, expertise in the technical implications of a proposal, the need to maintain continuity with constitutional provisions or prior laws, and, to a lesser extent, with the influence of particularly charismatic actors as factors which control the decisions legislators make.

As depicted in Figure 3, each of these three dominant orientational questions represents a set of optional frames of reference which each legislative actor brings to bear on the choices and decisions which constitute the work of legislating.

Figure 3



The most widely recognized tension in the orientation of legislators to their work is that between major constituency and legislative reference groups. Every legislator is both a member of the legislature and a representative of constituency interests. As a member of the legislature, he/she must be concerned with the norms of behavior, problems of leadership and bases for proposing or accepting decisions which are acceptable within that body. As a representative of various constituent interests, however, the legislator must be concerned with the values and expectancies of these groups. It is evident from previous research on this problem that no effort to explain legislative behavior and/or outcomes can safely ignore the importance of a legislative actor's choice of reference groups.

The conflict/consensus orientational issue is less well studied, but it appears to be at least as important in shaping legislative behavior as the reference group problem. Charles Lindblom (1968) grasps the essential dimensions of the conflict/consensus issue when he points out that the two essential strategies of legislative action are analysis and bargaining. Analysis is a consensus building strategy used when a legislative actor hopes to demonstrate that the interests which he is pursuing are compatible with those of others, or that the policy solution which he is seeking will serve the purposes of others as well as his own. Bargaining, according to Lindblom, is the basic tool of conflict management within the policy-making process. A bargaining strategy is adopted when a policy maker has accepted as incompatible the conflicting interests behind some set of policy proposals and seeks a mutual accommodation of these interests which yields an optimal, if compromised, final solution. While bargaining relies, in part, on careful analysis of the policy proposals at hand, it is based on a fundamentally different orientation toward the policy process. Bargaining as

an orientation accepts the limits of agreement and turns attention to the utility of various types of compromise. An analytic orientation, by its very nature, never accepts the present level of problem definition or the current policy solution as final or ultimately in conflict with the legitimate interests of others.

The third dominant orientation issue, authority for decision making, is the most complex and least well understood. What is clear from prior research is that legislative actors offer and accept reasons or grounds for decision which vary from issue to issue and from actor to actor. Overall, there appear to be four basic types of authority which can be accepted as legitimate bases for decision: 1) expertness (i.e., knowledge), 2) charisma (i.e., "friendship" or "leadership"), 3) values or traditions, and 4) legal rules or precedents. The first two of these four different authority modalities depend upon the personal characteristics of individual legislative actors, while the last two are related more to the institutional framework within which the legislative process is structured. That is, while individual legislative actors may become influential by developing either charismatic leadership or knowledge and expertise, they can only achieve influence based on values and traditions or legal rules and precedents by referencing proposed decisions to the institutionalized norms of the society or the legislature itself.

Eulau (1962) has developed solid evidence for the existence of these four different authority modalities as they operate within the legislature itself in a facinating study of data derived from the State Legislature Research Project (Wahlke, et al., 1962). Eulau found that legislator's differentiate various levels of influence among their colleagues in terms

of: 1) expertise, 2) affection, and 3) respect as well as on the basis of formal leadership positions within the legislature.

Eulau's concept of affection is closely related to what we are calling charisma, and his term respect is closely associated with the concept of traditional values as we are using it.

Social science knowledge and information can be expected to contribute to expertness on the part of legislative actors, but it can hardly be expected to seriously affect the charismatic qualities, traditional values, or legal rules and precedents which serve to control many of the decisions taken routinely within the legislative process. Thus, it will be vital to know when and why legislative actors turn to expertise rather than other bases for decision and to determine whether adequate linkages to social science are available and utilized when expertise is required.

In summary, social science utilization can be studied as an aspect of legislative decision making. Social science contributes conceptualization to the process of interest articulation, problem solving to the process of interest aggregation, and convincing evidence to allocation decision processes. Utilization, however, is controlled by: the availability of pertinent research, adequate linkage mechanisms connecting the production of science to the points in the legislative systems within which it is to be used and the orientational frames of reference on the part of individual legislative actors. These orientational frames control: 1) their capacity and inclination to utilize social science research and evaluation results, and 2) the balance between their reliance on expertise and other authoritative bases for legislative decision making.

Working Hypotheses

The foregoing analysis suggests four critical hypotheses to be tested against data being gathered during the second year of the project.

H_1: Social science utilization, as defined by the express use of systematic data gathering, analysis of social science research and evaluation reports, or use of social science based concepts of social cause and effect for interpretation and formulation of legislative issues will vary quantitatively among legislative actors with divergent orientations toward the importance of ideological, legal, expert, and personal influence factors in defining and resolving legislative issues. (Those seeing expertise as more important will utilize social science more frequently.)

H_2: Social science utilization, as defined in H_1, will vary both quantitatively and qualitatively with regard to different issues by legislative actors holding the same orientations toward their work. (Some issues will be more amenable to social science analysis and some will respond more to social scientific conceptualization of the problem but less to scientific analysis of alternative solutions.)

H_3: Social science utilization, as defined in H_1, will vary qualitatively according to the perceived location of an issue in the flow of legislative policy formation. (Articulation issues will draw more on scientific conceptualization, allocation issues more on scientific evidence.)

H_4: Different types of legislative actors will have different levels of both qualitative and quantitative social science utilization, as defined in H_1. (Legislative staff assigned to committees will, because of their linking role, have higher utilization tendencies than personal staff members

or legislators themselves; interest group representatives will vary according to their personal background.)

These hypotheses will be subjected to systematic inquiry through the use of structured interviews and a legislative decision-making resource rating scale during the second year of this project.

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